UNITED
NATIONS

CRC

Convention on the
Rights of the Child

P]

Distr.
GENERAL

CRC/C/15/Add.58
7 June 1996

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Twelfth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Guatemala

1. The Committee considered the initial report of Guatemala (CRC/C/3/Add.33) at its 306th to 308th meetings (CRC/C/SR.306-308), held on 3 and 4 June 1996, and adopted* the following concluding observations:

A. Introduction

2. The Committee expresses its appreciation to the State party for its report and its replies to the Committee's list of questions as well as for the information provided on the most recent measures taken to implement the Convention.

3. The openness of the State party's high-level delegation in acknowledging the problems, difficulties and challenges facing the State party in implementing the principles and provisions of the Convention is highly appreciated. The Committee expresses its appreciation to the State party for engaging in a constructive dialogue and for its willingness to take into account the recommendations made by the Committee.

B. Positive factors

4. The Committee welcomes the steps taken to secure a durable peace within Guatemala, particularly by enhancing the enjoyment of human rights, including

---

* At the 314th meeting, held on 7 June 1996.

for the indigenous peoples. In this connection, the Committee notes the adoption of the Agreement on the Identity and Rights of Indigenous Peoples and the Agreement on Socio-Economic Aspects and the Agrarian Situation. The ratification by Guatemala of International Labour Organization Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries is also welcomed.

5. Further positive developments as evidenced by the signing of the Comprehensive Agreement on Human Rights, the Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict, and the establishment of the United Nations Mission in Guatemala (MINUGUA), particularly its human rights component, are noted with interest. Additional measures taken with a view to strengthening the monitoring and implementation of human rights are noted. In this regard, the Committee notes with satisfaction the establishment of the Office of the Human Rights Procurator and its Children's Ombudsman.

6. The establishment of the Presidential Commission for Coordinating Policy in the Field of Human Rights and the work of the Social Committee within the Cabinet of Ministers are also noted with interest, especially as regards the formulation of policies for improving the social and economic development of the most vulnerable groups in Guatemalan society.

C. Factors and difficulties

7. Over 30 years of armed conflict in the country have left a legacy of human rights violations, impunity and a climate of fear and intimidation which hampers the confidence of the population in the ability of procedures and mechanisms to ensure respect for human rights.

8. The decades of conflict affecting society have resulted in the frequent use of violence, including within the family.

9. As recognized by the State party, the root causes of the armed conflict need to be tackled, embedded as they are in socio-economic disparities and uneven land distribution as well as in historical social contrasts within the country. High levels of poverty and illiteracy and discrimination against the indigenous population and those living in poverty contribute to widespread violations of human rights.

10. Problems relating to the situation of refugees, internally displaced and "returnees" have also arisen out of the armed conflict. In this connection, the difficult task of meeting the needs and expectations of the population which remained in or fled from the country during the period of armed conflict is recognized.

D. Principal subjects of concern

11. The inadequacy of measures adopted to allocate priority to the implementation of the principles and provisions of the Convention and the absence of a national policy for children, are matters of concern to the Committee.

12. The Committee is equally concerned about the lack of measures to harmonize national legislation with the principles and provisions of the Convention. It is especially concerned that the Minors Code currently in force in Guatemala contains provisions which are incompatible with the Convention and does not address all the rights recognized by the Convention.

13. The Committee is deeply concerned about the insufficient efforts to collect disaggregated statistical data and to identify appropriate qualitative and quantitative indicators on the situation of children, particularly those belonging to the most disadvantaged groups, including those living and working in the street, victim of abuse, neglect or ill-treatment and internally displaced children.

14. The Committee is of the view that insufficient measures have been adopted to promote widespread awareness of the principles and provisions of the Convention to adults and children alike, particularly to those belonging to indigenous populations, in the light of article 42 of the Convention. The failure to provide sufficient activities to train and educate professionals working with or for children about the Convention is to be regretted.

15. The Committee is concerned about lacunae identified in national legislation. In this connection, the failure to provide for an age for the completion of compulsory education as required by the Constitution of Guatemala as well as by article 2 of ILO Convention No. 138 is a matter of considerable concern to the Committee. Equally, the Committee is deeply concerned that national legislation does not prohibit capital punishment or life imprisonment without the possibility of release, as required by the provisions of article 37 (a) of the Convention. Moreover, the absence in national legislation of a minimum age for criminal responsibility causes deep concern to the Committee. Similarly, the low age of marriage for girls, which is different from the one for boys, is, in the Committee's view, also incompatible with the principles and provisions of the Convention.

16. In view of the historical disparities affecting indigenous children and children belonging to groups living below the poverty line, as well as girls, the Committee is concerned about the adequacy of measures to ensure the effective implementation of the economic, social and cultural rights of children at the national, regional and local levels, in the light of articles 2, 3 and 4 of the Convention.

17. The Committee is concerned at the insufficient support given to families facing severe problems in fulfilling their responsibilities as regards the upbringing of their children. The Committee shares the concern expressed by the representative of the State party at the widespread severe malnutrition and at the inadequacies of data and statistics monitoring nutrition.

18. Particular concern is expressed at the inadequate measures taken to ensure the effective implementation of the general principles of the Convention on the Rights of the Child both in legislation and in practice.

19. Deficiencies in the system of birth registration are of deep concern to the Committee since the failure to register children prevents them from being recognized as persons, from having access to education and health services and from being protected against trafficking in and illegal adoption of children.

20. The Committee is deeply alarmed at the persistence of violence against children, including at the reported information on the 84 children killed. The high number of child victims of violence raises serious concern, particularly in view of the ineffectiveness of investigations into crimes committed against children which paves the way for widespread impunity.

21. The Committee notes with concern the information provided by the State party that an illegal adoption network has been uncovered and that the mechanisms to prevent and combat such violations of children's rights are insufficient and ineffective.

22. Despite the considerable progress achieved in recent years in improving infant and maternal care, the Committee remains concerned about the relatively high maternal, infant and under-five mortality rates. The Committee observes that some factors contributing to high maternal deaths may be related to the inadequacies of the training given to birth attendants and of home deliveries. It is also the view of the Committee that many problems remain with respect to the reproductive health of women, the low birth weight of children being a possible manifestation of this fact.

23. The Committee is seriously concerned that the majority of children of school age are not attending school, but are involved both in the informal and formal work sectors. Moreover, the Committee is disturbed about the inadequacy and ineffectiveness of the measures designed to ensure the establishment of appropriate standards and to monitor the working conditions of children when such activities are compatible with article 32 of the Convention. The Committee is seriously concerned at the persistence of child labour and about the lack of accurate assessment by the Government of the dimensions of the phenomenon in the country.

24. The juvenile justice system in the State party raises serious concern in the Committee, in particular the system of irregular behaviour (conducta irregular). The Committee is further concerned about the lack of specialized training of professionals working in the field of juvenile justice, which hampers efforts to ensure the independence of the judiciary and the capacity of the system to effectively investigate crimes committed against children and undermines measures to eradicate impunity.

E. Suggestions and recommendations

25. The Committee recommends that children's issues be accorded a higher priority in the State party. It is the Committee's view that the development of a global and national policy on children must be attended to urgently. The Committee also recommends that the State party adopt all the necessary measures to ensure that its national legislation fully conforms to the Convention. In this regard, and in recognition of the importance of

ensuring an integrated legal approach to children's rights in the light of the principles and provisions of the Convention, the Committee encourages the State party to pursue its efforts aimed at the adoption of a Code on Children and Adolescents.

26. The Committee recommends that legislative measures be undertaken to ensure that national legislation conforms with the provisions of articles 37 and 40 of the Convention, including establishing a minimum age of criminal responsibility. The Committee also recommends that the State party set the age for completion of compulsory schooling at 15 and consider raising the minimum age of employment to 15. Further, the Committee recommends that the State party review its legislation on the age of marriage for girls in the light of the principles and provisions of the Convention, notably those of its articles 2, 3 and 24, with a view to raising it and ensuring the same age for girls and boys.

27. The Committee encourages the State party to pursue its efforts to strengthen the institutional framework for the promotion and protection of human rights in general and the rights of the child, in particular. The Committee recommends that a permanent and multidisciplinary mechanism be developed for coordinating and implementing the Convention at the national and local levels and in urban and rural areas. The Committee also encourages the promotion of close cooperation with non-governmental organizations in this regard.

28. The Committee further recommends that the State party give priority attention to the development of a system of data collection and to the identification of appropriate disaggregated indicators with a view to addressing all areas of the Convention and all groups of children in society. Such mechanisms can play a vital role in systematically monitoring the status of children and evaluating the progress achieved and the difficulties hampering the realization of children's rights, and can be used as a basis for designing programmes to improve the situation of children, particularly those belonging to the most disadvantaged groups, including girls, children living in rural areas and indigenous children. It is further suggested that the State party request international cooperation in this regard, particularly from the United Nations Children's Fund.

29. In view of the State party's willingness to develop a culture of human rights and to change attitudes towards children in general and the indigenous population in particular, the Committee recommends that information and education about children's rights be disseminated among children and adults alike. It is also recommended that consideration be given to the translation of such information into the main indigenous languages and that appropriate measures be adopted to spread such information in such a way that it reaches groups affected by a high level of illiteracy. In the light of the considerable experience of the United Nations Children's Fund and other organizations in responding to such challenges, it is recommended that international cooperation be sought in this regard.

30. It is the view of the Committee that training and education in the principles and provisions of the Convention on the Rights of the Child is

urgently required and must encompass all professionals working with or for children. In addition, the Committee recommends that the inclusion of children's rights in the school curricula be pursued as a measure to enhance respect for the indigenous culture and multiculturalism and to combat paternalistic and discriminatory attitudes which, as recognized by the State party, continue to prevail in society.

31. With respect to article 4 of the Convention, it is the Committee's opinion that sufficient budgetary provision must be made to respond to national and local priorities for the protection and promotion of children's rights. While noting the trend towards decentralizing the provision of services to the municipal level as a means of promoting greater popular participation, the Committee emphasizes that such a policy must be designed to overcome and remedy existing disparities between the regions and rural/urban areas. To ensure the full implementation of article 4, the Committee recommends that consideration be given to the provision of international assistance within the general framework of the Convention.

32. The Committee recommends that urgent measures be taken to ensure effective consideration of the general principles of the Convention, namely its articles 2, 3, 6 and 12, in the national process of implementing the Convention.

33. The Committee recommends that a comprehensive public information campaign be developed and implemented urgently to combat the abuse of children in the family and within society as well as the use of corporal punishment in schools.

34. The Committee recommends that the State party introduce the measures necessary to monitor and supervise effectively the system of adoption of children in the light of article 21 of the Convention. It is also recommended that adequate training be provided to concerned professionals. In addition, it is recommended that the Government consider ratifying the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

35. The Committee encourages the State party to strengthen its support to families in carrying out their child-rearing responsibilities, such as by providing nutritious food and conducting vaccination programmes. As a means of addressing the problems of maternal death and poor antenatal care and delivery services, the Committee suggests that the State party consider introducing a more effective system training medical personnel and birth attendants. The Committee also recommends that the State party consider requesting international cooperation from relevant international organizations to address issues relating to the reproductive health of women.

36. The Committee encourages the State party to implement the "Food for Education Programme" as an incentive for children to attend school. It also recommends that a comprehensive nutritional programme be developed, taking into particular account the special needs of children.

37. The Committee encourages the State party to pursue its efforts, in conformity with the Agreement on Socio-Economic Aspects and the Agrarian Situation, to increase the budgetary allocations for education by 50 per cent

up to the year 2000. With a view to ensuring the implementation of articles 28 and 29 of the Convention, the Committee recommends that the State party focus greater efforts on providing for compulsory and free primary education, eradicating illiteracy and ensuring the availability of bilingual education for indigenous children. Moreover, greater efforts should be made in training qualified teachers. Such measures will contribute to the prevention of any form of discrimination on the basis of language with regard to the right to education.

38. The Committee recommends that provision be made for offering social assistance to families to help them with their child-rearing responsibilities as laid down in article 18 of the Convention as a means of reducing institutionalization of children. Further efforts are also required to ensure the active participation of disabled children in the community in conditions which ensure their dignity and promote their self-reliance, as well as to ensure that disabled children are separated from adults suffering from mental ill-health. The Committee recommends that measures be taken to review periodically the placement and treatment of children as required under article 25 of the Convention.

39. The problems of children traumatized by the effects of armed conflict and violence in society are, in the Committee's view, a matter of serious concern. In this connection, the Committee recommends that the State party give consideration to the implementation of specific projects for children, to be carried out in an environment which fosters the health, self-respect and dignity of the child.

40. In view of the fact that the Constitution of Guatemala recognizes the predominance of duly ratified international conventions in the field of human rights, the Committee urges the State party to apply the principles and provisions of the Convention in the area of juvenile justice, rather than the provisions of the national legislation which are in contradiction with the Convention, in particular those relating to the system of "irregular behaviour". The Committee further recommends that the juvenile justice system be revised to ensure that it is compatible with the principles and provisions of the Convention, including its articles 37, 39 and 40, as well as other relevant international instruments in the field. In this connection, it is recommended that the State party consider requesting technical assistance from international organizations, including the United Nations Centre for Human Rights.

41. As a means of tackling the interrelated issues of education and child labour, the Committee recommends that all necessary measures be adopted to ensure that children have access to education and that they are protected from involvement in exploitative activities. The Committee further recommends that effective public awareness campaigns be launched for the prevention and elimination of child labour in the light of article 32 of the Convention. In this regard, the Committee recommends that the State party seek technical assistance from the International Labour Organization.

42. The Committee recommends that the State party consider developing an agenda for priority action to ensure an integrated approach to the

implementation of human rights in Guatemala in the light of the suggestions and recommendations addressed to the State, particularly in the area of children's rights.

43. Finally, the Committee recommends that the State party's report, the summary records of the examination of the report in the Committee and the Committee's concluding observations be given wide dissemination in Guatemala. The Committee suggests that these documents be brought to the attention of the Congress as a means of ensuring follow-up to the suggestions and recommendations made by the Committee.

UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/15/Add.59
7 June 1996

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Twelfth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Cyprus

1. The Committee considered the initial report of Cyprus (CRC/C/8/Add.24) at its 309th to 311th meetings (CRC/C/SR.309-311), held on 4 and 5 June 1996 and adopted* the following concluding observations:

A. Introduction

2. The Committee expresses its appreciation to the Government of Cyprus for the submission of its initial report, its written information in reply to the questions set out in the list of issues (CRC/C.11/WP.3) and the constructive and fruitful dialogue. The Committee is encouraged by the frank and cooperative tone of the discussion, in which the representatives of the State party indicated not only the policy and programme directions, but also the difficulties encountered during implementation of the Convention.

B. Positive aspects

3. The Committee welcomes the efforts undertaken by the Government to review the national legal framework in order to harmonize it with the provisions and principles of the Convention. In this regard, the Committee notes with satisfaction that the Juvenile Offenders Law is currently being revised. It also notes with satisfaction that the death penalty for ordinary crimes has been abolished and welcomes the fact that the Parliament is currently discussing the adoption of a bill prohibiting capital punishment for acts of high treason.

---

* At the 314th meeting, held on 7 June 1996.

4. The Committee also notes with satisfaction that the Convention has been invoked in court proceedings and it welcomes the commitment made during the dialogue by the government delegation to send information on those judicial decisions.

5. The Committee welcomes the establishment of the Central Committee for Monitoring the Implementation of the Convention on the Rights of the Child. It also notes with satisfaction the organization by the Committee for the Protection and Welfare of Children since 1989 of a "Children's week", focused on the Convention.

6. The Committee further notes the existence of comprehensive programmes and services for the welfare of children.

7. The Committee welcomes the recent ratification by the State party of the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

8. The Committee welcomes the readiness of the State party to collaborate with the non-governmental organization community.

C. Factors and difficulties impeding the implementation of the Convention

9. The Committee notes that the State party, as a consequence of events which occurred in 1974 and which resulted in the occupation of part of the territory of Cyprus, is not in a position to exercise control over all of its territory and consequently cannot ensure the application of the Convention in areas not under its control. The fact that no information on children living in the occupied territories is available is a matter of concern to the Committee.

D. Principal subjects of concern

10. The Committee is concerned by the lack of conformity with the Convention of legislative provisions in some matters relating to the definition of the child, in particular the age of seven for criminal responsibility. It is also concerned that children between 16 and 18 years of age are considered as adult offenders in the criminal justice system.

11. The Committee also expresses its concern that the State party has not yet fully taken into account in its legislation and policy-making the general principles of the Convention (see in particular paras. 12, 13 and 14 below); article 2 (principle of non-discrimination), article 3 (principle of the best interests of the child) and article 12 (respect for the views of the child).

12. The Committee remains concerned about the apparent persistence of discriminatory attitudes towards children born out of wedlock with regard to their right to a name and to citizenship.

13. With respect to the implementation of articles 12, 13, 14 and 15 of the Convention, insufficient attention has been accorded to ensuring that children are involved in decisions, including within the family, and in administrative and judicial procedures regarding them.

14. The Committee is concerned by the decisions taken in matters relating to adoption without fully respecting the principles of article 3 (best interest of the child).

15. The Committee is concerned at the insufficient attention paid to systematic and comprehensive data collection, identification of appropriate indicators and monitoring mechanism for all areas covered by the Convention in relation to all groups of children, including minority group children, children in rural areas, institutionalized and disabled children, and child victims of sexual exploitation.

16. The Committee is concerned by the persistence of traditional practices and attitudes that may affect the development of some children. The Committee is particularly concerned about the consequences of early marriages. It is also concerned about the insufficient awareness and understanding among adults and children of the principles and provisions of the Convention.

17. In the light of articles 7 and 8 of the Convention, the Committee notes that while the procedure for birth registration is adequate, it remains concerned that the application in some rural areas may result in some children being hampered in the enjoyment of their rights.

18. The Committee is concerned by the recent incidence of prostitution which affects particularly non-Cypriot children. It is also worried about the increasing number of children working as domestic servants in illegal conditions and who are vulnerable to all types of abuse, including sexual abuse and exploitation.

19. The situation of the system of the administration of juvenile justice, and in particular the lack of compatibility with articles 37 and 40 of the Convention as well as other relevant standards such as the "Beijing Rules", the "Riyadh Guidelines" and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, is a matter of concern to the Committee.

B. Suggestions and recommendations

20. The Committee recommends that the State party undertake legislative reform to ensure that legislation conforms fully with all the provisions of the Convention, in particular its general principles (arts. 2, 3, 6 and 12).

21. The Committee further recommends that the State party gather all necessary information, appropriate indicators and disaggregated data on the situation of children in the various areas covered by the Convention and in relation to all groups of children, including children belonging to the most vulnerable groups.

22. The Committee wishes to encourage the State party to further develop a systematic approach to increasing public awareness of the participatory rights of children, in the light of article 12 of the Convention. Current efforts to make the provisions and principles of the Convention widely known and understood by adults and children alike should be pursued and developed in the light of article 42 of the Convention.

23. With respect to the implementation of articles 12, 13, 14 and 15 of the Convention, the Committee recommends that consideration be given by the State

party to facilitating children's participation and the respect for their views in decisions affecting them, especially in the family, at school and in the courts.

24. To appropriately combat persisting negative and discriminatory attitudes, the Committee encourages the State party to carry out a comprehensive and integrated public information campaign aimed at promoting children's rights within the society, and particularly within the family.

25. The Committee also recommends that the State party provide specific training activities on the Convention to professional groups working with and for children, including teachers, social workers, health personnel, judges and law enforcement officials.

26. The Committee also encourages the State party to consider extending the mandate of the Ombudsperson to enable him/her to receive and process all complaints relating to all types of issues affecting children.

27. The Committee recommends that steps be taken to ensure the birth registration of all children, particularly children living in rural areas.

28. In the light of articles 2, 7 and 8 of the Convention, the Committee strongly recommends that the authorities take all necessary measures to ensure that children born out of wedlock enjoy all their fundamental rights.

29. In the light of article 19 of the Convention, the Committee further recommends that the authorities gather information and initiate a comprehensive study to improve the understanding of the nature and scope of the problem of child neglect and abuse and set up social programmes to prevent them.

30. The Committee recommends that the national law and practices with regard to adoption, be made to fully conform with the Convention and the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, including the principle of the best interests of the child.

31. In the field of the administration of juvenile justice, the Committee recommends that legal reform be pursued and take fully into account the Convention on the Rights of the Child, in particular articles 37, 39 and 40, and other relevant international standards in this field, such as the "Beijing Rules", the "Riyadh Guidelines" and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Particular attention should be paid to raising the age of criminal responsibility and ensuring that persons between 16 and 18 years of age enjoy all the rights recognized in the Convention.

32. The Committee encourages the State party to disseminate widely the State party's report, the summary records of the discussion of the report within the Committee and the concluding observations adopted by the Committee following its consideration of the report. The Committee suggests that these documents be brought to the attention of Parliament and that the suggestions and recommendations for action contained therein be followed up.

- - - - -

UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/15/Add.60
30 October 1996

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Thirteenth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Morocco

1. The Committee considered the initial report of Morocco (CRC/C/28/Add.1) at its 317th, 318th and 319th meetings, held on 24 and 25 September 1996 (see CRC/C/SR.317-319) and at its 343rd meeting, held on 11 October 1996, adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the report, which contains information on the legal framework within which the Convention is implemented and on other measures adopted since the ratification of the Convention by Morocco. The Committee appreciates the written information provided by the Government in reply to the questions set out in the list of issues (CRC/C/Q.Mor.1) as well as the additional information provided by the State party in the course of the dialogue with the Committee, during which the representatives of the State party indicated in a self-critical manner not only the policy and programme directions, but also the difficulties encountered in implementing the Convention.

B. Positive aspects

3. The Committee notes the establishment in 1993 of the Ministry for Human Rights to deal with children's rights issues. The Committee also notes the establishment in 1994, of the National Congress on the Rights of the Child which has been recently declared a permanent institution, and the creation of the post of High Commissioner for Disabled Persons in 1994. The Committee

recognizes the will of the Government to engage in a process of law reform in relation to children's issues and is encouraged by the drafting of a new Labour Code. The Committee also notes with appreciation the adoption, following the World Summit for Children, of the National Plan of Action for the Survival, Protection and Development of Children in 1992. Finally, the Committee welcomes the Government's initiative to broadcast a number of special programmes on Children's International Radio and Television Day.

C. Factors and difficulties impeding the implementation of the Convention

4. Committee notes that severe economic and social problems have had a negative impact on the situation of children. The high level of external debt and the requirements of structural adjustment programmes which have resulted in budgetary reallocations to the detriment of social services, as well as unemployment and poverty, have affected the enjoyment of children's rights. The Committee also notes that there are still traditional practices and customs which impede the full enjoyment of certain rights of the child.

D. Principal subjects of concern

5. The Committee is concerned about the fact that the Convention has not yet been duly published in the "Official Gazette".

6. The Committee is also concerned that insufficient measures have been taken to ensure that the principles and provisions of the Convention are widely known to children and adults.

7. The Committee is concerned at the reservation made to article 14 of the Convention by the State party, which may affect the implementation of the rights guaranteed in this article and may raise questions about the compatibility of the reservation with the object and purpose of the Convention.

8. The Committee is concerned at the insufficient coordination between various ministries, as well as between the central and local authorities, in the implementation of policies for the promotion and protection of the rights of the child.

9. Insufficient attention has been paid to the collection of systematic and comprehensive data and the identification of appropriate indicators and monitoring mechanisms in all areas covered by the Convention. Disaggregated data and appropriate indicators seem to be lacking to assess the situation of children, especially those who are victims of abuse, ill-treatment or child labour or are involved with the administration of juvenile justice, as well as the girl child, children of single-parent families and those born out of wedlock, children in rural areas, abandoned, institutionalized and disabled children, and children who, in order to survive, are living and/or working in the streets.

10. With regard to the implementation of article 4 of the Convention, the Committee notes with concern the inadequacy of measures taken to ensure the implementation of children's economic, social and cultural rights to the maximum extent of available resources. The Committee is particularly

concerned at the insufficient measures and programmes for the protection of the rights of the most vulnerable children, especially girls, children living in rural areas, children who are victims of abuse, children of single parents, children born out of wedlock, abandoned children, disabled children, and children who are, in order to survive, forced to live and/or work in the streets.

11. The State party has not yet taken fully into account in its legislation and policies the general principles of the Convention: non-discrimination (art. 2), the best interests of the child (art. 3), the right to life, survival and development (art. 6) and respect for the views of the child (art. 12).

12. The Committee is also concerned at the lack of conformity with the spirit and principles of the Convention of legislative provisions with respect to the legal definition of the child. The early marriageable age, the minimum age for employment and the age of criminal responsibility are matters of concern.

13. The Committee expresses its deep concern at the persistence of discriminatory attitudes towards girls, including the practice of early marriage, which hamper the enjoyment of their basic rights. The lower marriageable age for girls than for boys raises serious questions as to its compatibility with the Convention, in particular article 2.

14. In the light of article 30, the Committee is concerned at the lack of measures taken to provide school education in all the existing languages and dialects.

15. The Committee is concerned that appropriate measures have not yet been taken to prevent and combat ill-treatment of children within the family and at the lack of information on this matter. The problems of the exploitation of child labour, in particular the use of young girls as domestic workers, and child prostitution also require special attention.

16. The situation in relation to the administration of juvenile justice and in particular its compatibility with articles 37 and 40 of the Convention, as well as other relevant United Nations standards such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, is a matter of concern to the Committee. The Committee is, inter alia, concerned that children aged between 16 and 18 years are treated as adults and that children deprived of their liberty are not separated from adults.

E. Suggestions and recommendations

17. The Committee urgently recommends that the State party publish the Convention in the "Official Gazette".

18. The Committee is of the opinion that greater efforts are required to make the provisions and principles of the Convention widely known and understood by adults and children alike, in accordance with article 42 of the Convention. The Committee wishes to encourage the State party to develop further a systematic approach to increasing public awareness of the participatory rights of children, in the light of article 12 of the Convention.

19. The Committee recommends that periodic training and retraining programmes on the rights of the child be organized for professional groups working with or for children, including teachers, law enforcement officials, social workers and judges, and that human rights and children's rights be included in their training curricula. In this respect, the Committee encourages the authorities to pursue their cooperation with the High Commissioner/Centre for Human Rights.

20. The Committee recommends that the Government of Morocco consider reviewing the reservation entered upon ratification of the Convention with a view to withdrawing it, in the spirit of the Vienna Declaration and Programme of Action adopted in June 1993, in which the World Conference on Human Rights urged States to withdraw reservations to the Convention on the Rights of the Child.

21. The Committee recommends that the State party take further steps to strengthen coordination between the different governmental mechanisms involved in human rights and children's rights, at both central and local levels, and to ensure closer cooperation with non-governmental organizations.

22. The Committee also recommends that the State party undertake to gather all necessary data and statistics on the situation of children in the various areas covered by the Convention, including on children belonging to the most vulnerable groups. Efforts should be made to ensure implementation of policies and measures for the promotion and protection of the rights of the child, both at central and local levels, in cooperation with United Nations bodies and specialized agencies, including UNICEF and ILO. It is also suggested that a multidisciplinary monitoring system be established to assess the progress achieved and difficulties encountered in the realization of the rights recognized by the Convention at the central and local levels, and in particular to monitor regularly the effects of economic change on children. Such a monitoring system should enable the State to shape appropriate policies and to combat prevailing social disparities and traditional prejudices. The Committee also encourages the State to consider the establishment of an independent mechanism, such as an ombudsperson for the rights of the child.

23. With respect to article 4 of the Convention, and in the light of the current difficult economic situation, the Committee emphasizes the importance of the allocation of resources to the maximum extent possible for the implementation of economic, social and cultural rights of the child at both central and local levels, in accordance with the principles of the Convention, in particular those relating to non-discrimination and the best interests of the child (arts. 2 and 3).

24. The Committee recommends that appropriate political and legislative measures be undertaken to bring legislation into conformity with the Convention and other relevant international norms. In particular, the Committee recommends the reform of the penal and labour codes. It strongly encourages the Government of Morocco to ratify ILO Convention No. 138 on the minimum age for admission to employment and for that purpose to consider seeking further technical cooperation from ILO.

25. The Committee recommends that awareness campaigns concerning the rights of the girl child be pursued in both rural and urban areas. It also urges the State to implement a comprehensive national policy to promote and protect those rights. It further recommends that in the light of articles 2 and 3 of the Convention, the marriageable age be raised and made equal for girls and boys.

26. The Committee recommends that special protective measures be implemented in relation to children living in rural areas, children who are victims of abuse, children of single parent families, children born out of wedlock, displaced, institutionalized and disabled children, children involved with the juvenile justice system, particularly when deprived of their liberty, children involved in child labour and children who, in order to survive, are forced to live and/or work in the streets.

27. The Committee encourages the Government of Morocco to take all measures to prevent and combat ill-treatment of children, including child abuse within the family, corporal punishment, child labour and the sexual exploitation of children. It recommends that comprehensive studies be initiated with regard to those important issues to make possible a better understanding of those phenomena and facilitate the elaboration of policies and programmes to combat them effectively. In this perspective, the Government should pursue its efforts in close cooperation with community leaders and with non-governmental organizations, with a view to promoting change in persisting negative attitudes towards children belonging to the most vulnerable groups.

28. The Committee recommends that the State envisage undertaking a comprehensive reform of the system of juvenile justice in the spirit of the Convention, in particular articles 37, 39 and 40, and of other United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Particular attention should be paid to considering deprivation of liberty only as a measure of last resort and for the shortest possible period of time, to the protection of the rights of children deprived of their liberty, to due process of law and to the full independence and impartiality of the judiciary. Training programmes on the relevant international standards should be organized for all those professionals involved with the system of juvenile justice. The Committee would like to suggest that the Government of the Kingdom of Morocco consider seeking international assistance in this area of the administration of juvenile justice from the High Commissioner/Centre for Human Rights and the Crime Prevention and Criminal Justice Division of the United Nations (Vienna).

29. Finally, the Committee recommends that, in accordance with article 44, paragraph 6 of the Convention, the initial report presented by Morocco be made widely available to the public at large and that consideration be given to publication of the report along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.

UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/15/Add.61
30 October 1996

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Thirteenth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Nigeria

1. The Committee considered the initial report of Nigeria (CRC/C/8/Add.26) at its 321st to 323rd meetings (See CRC/C/SR.321-323) held on 26 and 27 September 1996 and, at the 343rd meeting, held on 11 October 1996, adopted the following observations.

A. Introduction

2. The Committee expresses its appreciation to the State party for sending a high-level delegation to discuss the report. The Committee notes that the report, although following the thematic structure for reporting set out in the general guidelines, was incomplete in its appreciation of the situation of children throughout the country. The Committee wishes to emphasize that the purpose of reporting is to indicate not only the measures adopted but also the progress made since the entry into force of the Convention and priorities identified for action, as well as the difficulties encountered in guaranteeing the rights provided for in the Convention.

B. Positive factors

3. The Committee welcomes the establishment of the National Human Rights Commission. The Committee also takes note of the establishment in 1994 of the National Child Rights Implementation Committee, inter alia to ensure the popularization of the Convention on the Rights of the Child and the OAU

Charter on the Rights and Welfare of Children; to review continuously the state of implementation of the Convention; to develop specific programmes and projects that will enhance the status of the Nigerian child; to collect and collate data on the implementation of the rights of the child; and to prepare and submit reports on the implementation of children's rights for the United Nations and the Organization of African Unity.

4. The Committee notes that the Government of Nigeria has prepared a national plan of action in response to the recommendations and goals enunciated in the Declaration and Plan of Action adopted by the World Summit for Children in September 1990.

5. The Committee appreciates the importance attached by the State party to improving the status and situation of women and the positive role this can play in contributing to the measures required to address the problems facing children in general and the girl child, in particular.

C. Factors and difficulties impeding the implementation of the Convention

6. The Committee recognizes that the situation in Nigeria is characterized by particular economic and socio-cultural complexities. It notes that Nigeria is the most populated African country and that it is multi-ethnic in composition with over 250 ethnic groups which have diverse cultures and languages. It is additionally noted that the persistence of certain harmful traditional practices and customs has had a negative bearing on the enjoyment of the rights guaranteed under the Convention.

D. Principal subjects of concern

7. The Committee expresses its deep concern that the rights of the child as provided for in the Convention have yet to be invested with effective legal status in Nigeria as the draft children's decree remains to be finalized and adopted. The Committee, while noting the very positive development represented by the drafting and revision of a children's decree, expresses its regret that a copy of the draft decree in its entirety was not made available to the Committee. The lack of such enabling legislation raises serious doubts as to the priority previously given to the rights of the child in Nigeria. The Committee raises these points in the light of the conclusion it reached from examining the State party's report and its dialogue with the delegation that certain legislation currently in force in Nigeria in relation to the rights of the child is not in conformity with various articles of the Convention, including article 1.

8. The Committee is concerned about the compatibility of customary law and laws passed at the regional and local levels and their application with the principles and provisions of the Convention.

9. The Committee notes with concern the apparent absence of adequate mechanisms for the determination of appropriate indicators as well, as for the collection of statistical data and other information on the status of children for use as bases for designing programmes to implement the Convention.

10. With respect to the implementation of various principles and provisions of the Convention, in particular those set out in its articles 3 and 4, the Committee is concerned that the impact of economic policy, as at present designed and pursued, may have led the Government to resort, on a more regular basis than it would wish, to temporary ad hoc funding measures to cover significant shortfalls in income for the realization of particular programmatic objectives. The Committee is concerned about the gap between the country's gross national product and the insufficiency of resources being made available for the implementation of the rights of the child, in particular in the areas of primary health care, primary education and other social services, as well as the protection of the most disadvantaged groups of children. Equally, the Committee remains concerned about the effectiveness of measures at present in place to give priority to projects for the implementation of the rights of the child, as well as to reduce any disparities between and within regions as regards the availability of resources for the realization of such projects.

11. The Committee is concerned that considerable progress is still required towards ensuring that all adults and children are aware of the rights of the child as contained in the Convention. Additionally, the Committee is concerned at the lack of training and education about the Convention for individuals working with or for children, such as police officers, chiefs of police, staff in institutions where children are detained, leaders at the community and ward levels and other government officials, as well as judges, lawyers, teachers, health workers and social workers.

12. The Committee is also concerned that the general principles of the Convention, as laid down in its articles 2, 3, 6 and 12, are not being applied and duly integrated into the implementation of all articles of the Convention. Concern is expressed at the status and situation of girl children and the insufficiency of measures to prevent and combat discrimination practised against them. Of equal concern to the Committee is the apparent absence of pro-active measures to combat discrimination against disabled children, children belonging to ethnic minorities and children born out of wedlock.

13. In the light of the provisions of article 3 of the Convention, the Committee is of the view that the Government has not yet fully developed a procedure to ensure that the "best interests of the child" guide the decision-making process. Consideration of the impact of various policy options on the enjoyment of the rights of the child should form an integral part of this process.

14. It is also the view of the Committee that traditional attitudes concerning the role children should play in the family, school, the community and society in general may be frustrating efforts to achieve the fuller participation of children, as envisaged in articles 12 and 13 of the Convention.

15. The Committee is concerned about the persistence of early marriage, child betrothals, discrimination in inheritance, widowhood practices and other harmful traditional practices. These practices are incompatible with the principles and provisions of the Convention. More particularly, the continuation of the practice of female genital mutilation is of deep concern to the Committee; although measures are being taken to address this practice, the Committee is of the view that they are insufficient. The problems of

violence against children and the physical abuse of children in the family, in schools, in the community and in society are also of major concern to the Committee.

16. The Committee views the trend of rising child mortality rates as a matter of deep concern. Despite the Government's stated policy of supporting primary health care programmes over those providing curative health care, the Committee views the access to quality health care services as unsatisfactory. Equally, the effectiveness of measures undertaken to avoid regional variations in the provision of health care services and medical supplies remains a cause of concern to the Committee. The Committee is also concerned about the problems encountered in providing access to safe water.

17. In view of the considerable incidence of poverty in the country and the insufficiency of the minimum wage in meeting basic needs, the Committee views the absence of social support to families, including single-parent families, especially female-headed households, as a matter of serious concern.

18. The State party's recognition of the importance of promoting education for all as a tool to improve the situation of children, especially girl children, is welcomed. However, the Committee remains concerned about the effectiveness of measures being taken to harmonize policy priorities in this area with adequate budgetary allocations.

19. The Committee expresses its regret that insufficient measures are being taken to address the problems of child abuse, including sexual abuse, and the sale and trafficking of children, child prostitution and child pornography.

20. It is the view of the Committee that current legislation with regard to the administration of juvenile justice and the institutionalization of children does not appear to conform to the principles and provisions of the Convention. In this regard, the provisions of national legislation which permit sentencing to capital punishment are incompatible with the provisions of article 37 (a) of the Convention.

21. The Committee is also concerned that the provisions of national legislation by which a child may be detained "at Her Majesty's Pleasure" may permit the indiscriminate sentencing of children for indeterminate periods. Furthermore, the Committee is worried about the provisions of national legislation which provide for the detention of children assessed to be "beyond parental control". The possibility that abandoned children or children living and/or working on the street would have such measures applied against them is of special concern to the Committee. It is the view of the Committee that these legislative measures do not appear to be compatible with the provisions of article 37 (b) of the Convention, which lays down that the arrest, detention or imprisonment of a child shall only be used as a measure of last resort and for the shortest appropriate period of time. Equally, the Committee is concerned about the application in practice of the provisions of section 3 of the Children and Persons Law may lead to the arbitrary detention of children, which is incompatible with the provisions and principles of the Convention.

22. The Committee notes with serious concern the low age of criminal responsibility for children in Nigeria, at present seven years of age, and that children even under the age of seven may be brought before the courts.

The Committee is also very much concerned about the adequacy of safeguards for all children brought before the courts, required under article 40 of the Convention.

23. Moreover, the Committee is seriously concerned about the conditions in places of detention for children, especially with regard to children's access to their parents, the medical services and educational programmes offered and the services in place to facilitate the recovery and rehabilitation of children. It is equally concerned about the inappropriateness and ineffectiveness of measures for the supervision and monitoring of the situation of children in detention, including for dealing with children's complaints of abuse or ill-treatment, and the lack of measures to ensure that these complaints are addressed in a serious and expeditious manner.

24. Furthermore, the Committee is deeply alarmed that the necessary safeguards against the excessive use of force by law enforcement officials or anyone else acting in this capacity are undermined by the provisions of section 73 of the Criminal Code. This may give rise to the violation of children's rights, including their right to life, and leads to impunity for the perpetrators of such violations. Therefore, it is the view of the Committee that the above-mentioned provisions of the Nigerian Criminal Code are incompatible with the principles and provisions of the Convention.

25. The Committee is of the view that insufficient measures have been taken for the implementation of article 32 of the Convention to prevent and combat the economic exploitation of children.

E. Suggestions and recommendations

26. The Committee recommends that the Government consider, on an urgent basis, the adoption of the children's decree, drafted in conformity with the principles and provisions of the Convention. The Committee welcomes the willingness of the delegation of the State party to provide the Committee with information regarding progress in relation to the draft children's decree and to submit to the Committee, as soon as possible, a copy of the full text of the draft decree.

27. The Committee also recommends that the State party, in undertaking a comprehensive review of the national legal framework and its conformity with the principles and provisions of the Convention account, should also take into account the compatibility of the system of customary law and regional and local laws with the articles of the Convention.

28. The Committee strongly recommends that the Government consider the possibility of undertaking a review of the effectiveness of measures being taken to implement the provisions of article 4 of the Convention in respect of the allocation of resources to the maximum extent possible for the implementation of the economic, social and cultural rights of the child. It is further suggested that such a review should be undertaken in the light of the priorities for the implementation of the Convention identified during the discussion of the report of Nigeria.

29. The Committee appreciates the willingness of the State party to undertake further measures to ensure that effective mechanisms are put in place for the implementation and monitoring of the Convention at all levels of

government including the ward level, through the mandate given to the Ministry of Women Affairs and Social Development. The Committee notes that the task of cooperating and coordinating with other mechanisms at different levels with regard to the monitoring of the implementation of the rights of the child is a challenging one and expresses the hope that further discussions within government circles and throughout the various levels of government on how best to achieve the priority objectives be undertaken on an urgent basis.

30. The Committee shares the view of the State party that effective education and awareness raising among all children concerning their rights should be undertaken and that an evaluation of the extent of awareness of the rights of the child among children and adults should be carried out. The Committee would like to suggest that such an awareness-raising programme should be extended to all adults and professionals working with or for children.

31. The Committee recommends that priority be given to the development of mechanisms for collecting statistical data and indicators disaggregated by gender, and rural/urban and ethnic origin as the bases for designing programmes for children.

32. It is the Committee's view that further efforts must be undertaken to ensure that the general principles of the Convention, in particular "the best interests of the child" and the participation of children, not only guide policy discussions and formulation, and decision-making, but also are integrated into the development and implementation of all projects and programmes.

33. The Committee wishes to emphasize that the general lack of financial resources cannot be used as a justification for neglecting to establish social security programmes and social safety nets to protect the most vulnerable groups of children. Accordingly, it is the opinion of the Committee that a serious review should be undertaken to determine the consistency of the economic and social policies being developed with the State party's obligations under the Convention, in particular articles 26 and 27, especially with respect to the establishment or improvement of social security programmes and other social protection.

34. The Committee recommends that as a high priority further measures be undertaken to prevent and combat discrimination, especially on the grounds of gender and ethnic origin, and differential access to services between the rural and urban population.

35. While acknowledging the State party's commitment to evaluating the effectiveness of policy implementation for disabled children, the Committee recommends that such policy should be reviewed to ensure that it reflects the general principles of the Convention, particularly as regards preventing and combating discrimination against disabled children.

36. The Committee shares the view of the State party that major efforts are required to address harmful practices such as early marriage, betrothals of children, female genital mutilation and abuse of children in the family. The Committee recommends that all legislation should be reviewed to ensure its compatibility with the eradication of such violations of children's rights and that campaigns be developed and pursued with the involvement of all sectors of

society with a view to changing attitudes in the country as to the non-acceptance of harmful practices. As far as female genital mutilation is concerned, all action necessary to eradicate this violation of children's rights must be taken on a priority basis. Public awareness and information campaigns must support education and advice on other family matters, including equal parental responsibilities and family planning in order to foster good family practices in line with the principles and provisions of the Convention.

37. The Committee recommends that improvement of access to and the quality of primary health care services be urgently undertaken. Major efforts to ensure the equal distribution of health services and medical supplies between and within regions are required immediately.

38. The Committee encourages the State party in its efforts to harmonize the informal and formal education systems, particularly with respect to the application of a national curriculum within all schools. Further steps should be taken to develop guidelines for the participation of all children in the life of the school in conformity with the principles and provisions of the Convention. The Committee encourages the Government to implement measures to improve school enrolment and school retention, especially for girls. A system for the regular evaluation of the effectiveness of these and other educational measures must be ensured. Measures must also be taken to ensure that discipline in school is administered in conformity with the provisions of article 28, paragraph 2 of the Convention. In addition, the Committee recommends that, in the light of the provisions of article 29 of the Convention and the United Nations Decade for Human Rights Education, the State party incorporate education on the rights of the child in school curricula, paying special attention to promoting tolerance among all peoples and groups. The State party may wish to consider requesting further international cooperation for the implementation of the measures identified for the application of the provisions of articles 28 and 29 of the Convention.

39. The Committee recommends that national legislation be brought into conformity with the provisions of articles 37, 39 and 40 of the Convention. National legislation must comply with the principle that capital punishment cannot be applied to children under the age of 18. The Committee also recommends that article 73 of the Criminal Code be abrogated and section 3 of the Children and Young Persons Law be reviewed as to its conformity with the Convention. The Committee welcomes the information provided by the State party that the new draft children's decree will set the age limit for criminal responsibility at 18. However, in view of the clarification provided regarding the system to be set in place, the Committee wishes to emphasize that the legal safeguards provided for in the relevant principles and provisions of the Convention, including those of article 40, must be provided to all children, whether the deprivation of their liberty results from the application of a welfare or a criminal procedure.

40. It is also the view of the Committee that the best interests of the child should prevail in proceedings concerning child victims of parental abuse, especially in deciding whether parents have the right to represent their child in such cases. Finally, the Committee wishes to emphasize that the Convention requires that detention be a measure of last resort and for the shortest appropriate period of time. The institutionalization and detention of children must be avoided as much as possible and alternatives to such practices must be developed and implemented. The Committee recommends that

measures be taken to establish an independent system for monitoring the situation of children in detention, whether in prisons or welfare institutions.

41. In view of the various concerns raised by the Committee with respect to the implementation of article 32 of the Convention, it wishes to highlight the importance of the State party ensuring that all children have access to health care, that education be made compulsory as a measure to prevent the economic exploitation of children and that further measures should be undertaken to combat exploitation, such as that of child domestic workers, including legislative measures to ensure the effective protection of the child against the performance of any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or full and harmonious development.

42. In the light of articles 34 and 35 of the Convention, the Committee encourages the State party in its efforts to follow up at both the national and regional levels on the measures required to prevent and combat the sexual exploitation of children.

43. The Committee recommends that further measures be taken with a view to ensuring the physical and psychological recovery and rehabilitation of the child victims of abuse, neglect, ill-treatment, violence or exploitation, in accordance with article 39 of the Convention.

44. The Committee recommends that the State party make widely available to the public its report, the records of the discussion of that report in the Committee and the concluding observations adopted by the Committee.

UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/15/Add.62
11 October 1996

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Thirteenth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Uruguay

1. The Committee considered the initial report of Uruguay (CRC/C/3/Add.37) at its 325th to 327th meetings (see CRC/C/SR.325-327) held on 30 September and 1 October 1996 and, at the 343rd meeting, held on 11 October 1996, adopted the following concluding observations.

A. Introduction

2. The Committee expresses its appreciation to the State party for the written answers to the list of questions and for engaging, through a delegation involved in the policies concerning children's rights, in an open dialogue on the implementation of the Convention. The Committee notes, however, that the report was not prepared in accordance with the Committee's guidelines for the preparation of initial reports and that it mainly reflects the existing legal framework and does not contain sufficient information on other measures taken to implement effectively the rights set forth in the Convention.

B. Positive factors

3. The Committee notes with satisfaction the declaration made by the State party with regard to article 38 of the Convention to the effect that, under the Uruguayan law, children under 18 years of age cannot take part in hostilities in the event of an armed conflict.

4. The Committee notes with appreciation the strengthening of democratic institutions in Uruguay, including safeguards such as habeas corpus and amparo (remedy procedure available to citizens in case of violations of their rights), in the process of democratization of the country.

5. The Committee notes with satisfaction that important measures taken in the social area have resulted in good indicators in the areas of health and education.

C. Principal subjects of concern

6. The Committee is concerned at the insufficient measures adopted to harmonize national legislation with the principles and provisions of the Convention, in spite of the fact that international treaties ratified by Uruguay are considered to have a status equal to that of ordinary laws. The Committee is also concerned that new laws have not been enacted to address areas covered by the Convention, including laws on intercountry adoption, the prohibition of child-trafficking and the prohibition of torture. The Committee is also concerned that the Children's Code adopted in 1934, which contains a number of provisions contrary to the Convention, has not yet been revised or amended. It also regrets that a number of legal provisions contrary to the Convention are still in force, including in the areas of administration of juvenile justice, minimum age of access to employment and minimum age for marriage.

7. The Committee, while recognizing the efforts undertaken by the authorities in the collection of data, is concerned at the insufficient measures adopted to collect disaggregated data on the situation of all children, particularly those belonging to the most disadvantaged groups, including black children, disabled children, street children, children placed in institutions, including institutions of a penal nature, ill-treated and abused children or children from economically disadvantaged groups, which constitutes a major obstacle to the effective and full implementation of the provisions of the Convention.

8. The Committee is also concerned at the insufficient measures adopted to ensure effective coordination between different governmental departments competent in the areas covered by the Convention, as well as between central and local authorities.

9. The Committee expresses its concern at the insufficient budget allocation for social expenditures, in particular in favour of children belonging to the most disadvantaged groups of the population. The Committee also notes with concern the trend towards the perpetuation of poverty amongst marginalized groups of children, with almost 40 per cent of children under five years of age living in 20 per cent of the poorest households and 4 per cent of children in this age group suffering from severe malnutrition, while social and economic discrepancies persist as regards access to education and health services.

10. The Committee is concerned at the insufficient measures taken to reflect in legislation and practice the general principles of the Convention, namely non-discrimination, the best interests of the child and respect for his/her views.

11. In this regard, the Committee is particularly concerned at the persisting discrimination against children born out of wedlock, including in regard to the enjoyment of their civil rights. It notes that the procedure

for the determination of their name paves the way for their stigmatization and the impossibility of having access to their origins, and that when born to a mother or father who is a minor, these children cannot be recognized by that parent.

12. The Committee is concerned about the high rate of early pregnancy, which has negative effects on the health of the mothers and the babies, and on the mothers' enjoyment of their right to education, hampering the school attendance of the girls concerned and causing high numbers of school drop-outs.

13. The Committee is deeply concerned about the increasing incidence of abuse and violence within the family and the inadequacy of measures to prevent and combat such abuse and violence, and to rehabilitate the child victims.

14. The Committee expresses its concern at the prevalence in the country of the doctrine of "children in an irregular situation" which paves the way for the stigmatization and frequent institutionalization and deprivation of liberty of children on the basis of their economic and socially disadvantaged situation. The Committee regrets that the implementation of the provisions and principles of the Convention relating to the administration of juvenile justice has been given insufficient attention, both in legislation and in practice. In this regard, the Committee is concerned at the insufficient measures adopted to ensure, inter alia, that deprivation of liberty is only used as a measure of last resort, that children deprived of liberty are treated with humanity and in a manner which takes into account the needs of persons of their age, as well as that the rights to maintain contact with their families and to due process of law are ensured in conformity with article 40 of the Convention. Moreover, the Committee is concerned at the high number of institutionalized children and that insufficient measures have been taken to ensure effective alternatives to institutional care, and to promote their social reintegration.

15. The Committee notes with concern that child labour remains a problem in Uruguay and that measures taken to prevent it are insufficient. The Committee also notes with concern that the minimum age for employment in Uruguayan law is lower than the minimum age provided for in applicable international conventions, although Uruguay has ratified ILO Convention No. 138.

16. The Committee notes with concern the insufficient measures taken to ensure that the provisions and principles of the Convention are made widely known to adults and children alike, in accordance with article 42 of the Convention. Moreover, insufficient attention has been paid to the training of professionals working with and for children, including teachers, health workers, social workers, lawyers, police officers, chiefs of police, staff in institutions where children are detained and officials of the central and local administrations, in order to change prevailing attitudes.

D. Suggestions and recommendations

17. The Committee recommends that, in the context of the legal reform being undertaken by Uruguay in the field of children's rights, national legislation be made fully compatible with the provisions and principles of the Convention,

including non-discrimination, the best interests of the child, the child's participation and respect for his/her views. Such reform should in particular address the concerns raised by the Committee during its discussion with the State party, particularly in the areas where the national legislation is not in conformity with the Convention.

18. The Committee also recommends that further measures be taken to gather systematic quantitative and qualitative data, disaggregated, inter alia, by age, gender, colour, rural/urban and social origin, on all areas covered by the Convention and in relation to all groups of children, particularly the most disadvantaged groups. In this regard, it suggests that further cooperation be ensured with UNICEF with a view to assessing and evaluating progress achieved, identifying difficulties and setting priorities for future action.

19. The Committee suggests that steps be taken to ensure effective coordination between the existing institutions involved in the protection and promotion of children's rights at the central and local levels, and that the establishment of an independent monitoring body (Ombudsman) competent in children's rights be given further consideration by the Government.

20. The Committee recommends that the State party, in the light of articles 2, 3 and 4 of the Convention, undertake all appropriate measures to the maximum extent of its available resources to ensure that sufficient budgetary allocation is provided to services for children, particularly in the areas of education and health, and that particular attention is paid to the protection of children belonging to vulnerable and marginalized groups. In this regard, the Committee suggests that the "child-impact" of such decisions be assessed on an ongoing basis.

21. The Committee suggests that measures be adopted by the State party to provide appropriate assistance to the family in the performance of its child-rearing responsibilities, with a view, inter alia, to preventing domestic violence and abuse, abandonment and institutionalization of children, and to promoting research in these areas.

22. With regard to the high rate of early pregnancy prevailing in Uruguay, the Committee recommends that measures be adopted to provide appropriate family education and services for young people within the school and health programmes implemented in the country.

23. The Committee also suggests that appropriate alternatives to institutional care be developed, with the best interests of the child as the primary consideration, as well as the promotion of his or her harmonious development and preparation for responsible participation in society. In cases where the placement of children in institutions is necessary, measures should be adopted to ensure periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

24. The Committee recommends that a system of administration of juvenile justice be established in the framework of the principles and provisions of the Convention, in particular its articles 37, 39 and 40, as well as other United Nations standards in this field, such as the United Nations Standard

Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty. In this connection, the Committee recommends that the State party consider seeking international assistance in this area from the High Commissioner/Centre for Human Rights and the Crime Prevention and Criminal Justice Division of the United Nations.

25. The Committee recommends that legislative and preventive measures be taken to address the issue of child labour and, in particular, to raise the minimum age for access to employment, in conformity with the Convention and with ILO Convention No. 138, as well as to create awareness of the importance of education and vocational training to provide the child with needed skills and knowledge. The Committee suggests that the Government of Uruguay consider requesting further technical assistance from ILO in these matters.

26. In the light of article 42 of the Convention, the Committee recommends that training programmes on the rights of the child be conducted for professionals working for or with children, including teachers, health workers, social workers, lawyers, police officers, chiefs of police, staff in institutions where children are detained and officials of the central and local administrations. Measures should also be adopted to incorporate children's rights in school curricula at all levels. The Committee believes that information campaigns on children's rights will contribute to ensuring visibility to children within Uruguayan society and to changing negative attitudes towards children. Such campaigns should aim at eradicating discriminatory attitudes towards children, especially those belonging to vulnerable and marginalized groups, and enhancing respect for their fundamental rights. In this regard, the Committee underlines the importance of the general principles of the Convention, namely the best interests of the child, the child's participation and respect of his or her views, respect of the principle of non-discrimination and the right to life, survival and development to the maximum extent, which should guide and inspire all training and information programmes in this area.

27. The Committee recommends that, in accordance with article 44, paragraph 6, of the Convention, the State party widely publicize its report, the summary records of the discussion and the concluding observations adopted by the Committee and that it give consideration to the organization of a Parliamentary debate on the implementation of the Convention.

UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/15/Add.63
30 October 1996

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Thirteenth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: United Kingdom of Great Britain and Northern Ireland: Dependent Territories

Hong Kong

1. The Committee considered the initial report of the United Kingdom of Great Britain and Northern Ireland: Dependent Territories (Hong Kong) (CRC/C/11/Add.9) at its 329th to 331st meetings held on 2 and 3 October 1996 (see CCR/C/SR.329-331) and, at its 343rd meeting, held on 11 October 1996, adopted the following observations.

A. Introduction

2. The Committee expresses its appreciation to the State party for the timely submission of both its report and written responses to the Committee's list of issues. The Committee welcomes the information provided by the delegation in its introductory statement and for the cooperative spirit which characterized the dialogue in the Committee.

3. The Committee notes the special situation facing Hong Kong as a territory over which there will be a change of sovereignty when it reverts to the People's Republic of China on 1 July 1997. The Committee also notes that matters relating to the continued application of the Convention to Hong Kong, including reporting arrangements, are the subject of discussion between the Government of the United Kingdom and the Government of China through the Joint Liaison Group.

B. Positive aspects

4. Note is taken of the enactment of the Parent and Child Ordinance in 1993 which removes legal disadvantages that previously applied to illegitimate children. The Committee also welcomes the adoption of the Disability Discrimination Ordinance aimed at promoting the integration of persons with a disability into the community.

5. The Committee welcomes the various measures being taken by the Government to address the danger of guardians leaving children unattended at home.

6. Information provided on the operation by the Social Welfare Department of a telephone hotline to receive, inter alia, reports on child abuse cases is noted with appreciation. The Committee also takes note of the measures taken to promote awareness of common adolescent health problems and the telephone hotline service of the Central Health Education Unit of the Department of Health, which has been set up to deal with calls relating to this issue. The recruitment of secondary school students as Health Ambassadors in training programmes on common adolescent health matters is also noted with great interest. Equally, the launching of the new Student Health Service, a programme designed to cater for the health needs of schoolchildren aged between 6 and 18, is warmly welcomed, as is the establishment of the Health Care and Promotion Fund, which is designed to step up efforts for health promotion and disease prevention.

7. The Committee notes with appreciation the initiatives taken to make hospitals more baby and child friendly, including the measures being taken to improve pediatric ward facilities in hospitals and also to provide play areas for children in pediatric wards and areas for parents to stay with their children in hospital. The Committee also welcomes the improvements to the Comprehensive Social Security Assistance Scheme, particularly with respect to benefits available in implementation of articles 26 and 27 of the Convention.

8. The Committee welcomes the information presented by the delegation concerning the five research projects on children's rights currently being undertaken by universities and funded by the Government.

9. The Committee encourages the establishment of an independent body to consider complaints against the police in Hong Kong.

C. Principal subjects of concern

10. With the extension of the Convention to Hong Kong in September 1994 further reservations to the Convention applicable to the territory of Hong Kong were deposited by the Government of the United Kingdom. It is a matter of regret to the Committee that the State party has not yet decided to withdraw its reservations, particularly as they relate to the issues of working hours for children, of juvenile justice and of refugees.

11. The Committee welcomes the adoption of the Bill of Human Rights Ordinance, it notes however, that this Bill is unentrenched. The Committee,

while acknowledging that the Bill contains provisions recognizing the two major human rights Covenants, the articles of which also apply to children, considers it regrettable that the Bill contains no specific reference to the Convention on the Rights of the Child. In the light of this, and given the positive steps taken by the Government to adopt the Equal Opportunities Act and establish the Equal Opportunities Commission, it is also a matter of regret to the Committee that a similar strategy as pursued for gender equality has not been adopted for the rights of the child. In view of the Government's commitment to review legislation and policy regularly in the light of the principles and provisions of the Convention, the Committee is concerned that sufficient priority does not appear to have been given in the reviewing process to the possibility of establishing an independent monitoring body on the rights of the child and of pursuing an integrated and holistic approach to the adoption of legislation on the rights of the child.

12. While noting the positive steps taken to establish various mechanisms for the execution of policy and programmes for the implementation of the provisions of the Convention, the Committee remains concerned about the adequacy of coordination activities between concerned governmental institutions to ensure that the rights of the child are given priority.

13. The Committee is concerned that insufficient measures have been taken to ensure the fullest implementation of the general principles of the Convention, in particular those contained in articles 3 and 12, especially in the choice, formulation and application of policy measures to promote and protect the rights of the child. In this regard it is noted that a system for integrating a child impact analysis into policy formulation and decision-making has not yet been put into place. It is also the view of the Committee that the persistence of certain attitudes relating to perception of the role children should play in the family, school and society may be delaying the full acceptance of the implementation of the provisions of article 12 and 13 of the Convention in Hong Kong.

14. As regards the situation of illegal immigrant children from China and the issues it raises with respect to the question of families split between Hong Kong and China, the Committee is concerned that the increase in permits arranged for these children and their families, from 105 to 150, is manifestly insufficient to meet the needs of the estimated 60,000 children currently in China who may have the right of abode in Hong Kong after 1 July 1997.

15. Despite the measures taken to address the problems of child abuse, neglect and the number of accidents affecting children, these issues continue to give cause for concern. Equally, adolescent mental health issues, including the problem of youth suicide, is a matter of serious concern to the Committee.

16. The Committee is concerned about the apparent insufficiency of measures to encourage breast-feeding. The Committee notes that powdered milk for babies continues to be freely distributed in hospitals, contrary to international guidelines on this matter. Equally, the extent to which the

statutory provisions relating to, inter alia, maternity leave and conditions of employment for nursing mothers are compatible with the principles and provisions of the Convention remains a matter of concern to the Committee.

17. The Committee is of the view that insufficient attention appears to have been given to the implementation of article 29 of the Convention, particularly in respect of according human rights education the necessary status within school curricula.

18. The broad question of the treatment of Vietnamese children in detention centres in Hong Kong deeply concerns the Committee. It is the observation of the Committee that these children have been and continue to be the victim of a policy designed to discourage further refugees from coming into the area. While it is granted that the situation is a complex one, the policy of the continued detention of these children is incompatible with the Convention.

19. In addition, the Committee is of the view that the low age of criminal responsibility is not in conformity with the principles and provisions of the Convention and regrets the decision not to raise the age of criminal responsibility.

D. Suggestions and recommendations

20. The implementation of the principles and provisions of the Convention requires that priority be given to children's issues, particularly in the light of the principle of the "best interests of the child" and of the fact that Governments have, in international forums, agreed to the principle of "First call for children", including in the final document adopted by the World Conference on Human Rights. It is recommended, therefore, that in the formulation of policy options and proposals there should be an accompanying assessment of its impact on children so that decision makers can be better advised when formulating policy as to its effect on the rights of the child. It is also suggested that steps be taken to reflect and duly take into account in national legislation the holistic and comprehensive approach to the implementation of the rights of the child recommended by the Committee. The Committee recommends the establishment of an independent mechanism specifically to monitor the implementation of government policy in relation to the rights of the child. It is noted that an independent mechanism could also play an important role in informing the public and legislature of the action being taken for the rights of the child. The Committee also recommends that children's rights be fully integrated into the discussions on issues concerning the transfer of sovereignty over Hong Kong and be accorded high priority in the dialogue on these and related matters in the Joint Liaison Group.

21. The Committee encourages efforts to involve civil society and non-governmental organizations more closely in the monitoring and implementation of the Convention, including with respect to the development of a comprehensive strategy for children in Hong Kong.

22. As part of the ongoing efforts to promote and protect the rights of the child, particularly in relation to the implementation of article 4 of the Convention, the Committee recommends that a further assessment be undertaken

of the effectiveness of the present system of institutional coordination of policies and programmes on the rights of the child, especially with regard to child abuse. Moreover, the Committee would like to suggest that the collection and analysis of statistical data by age group be guided by the provisions of article 1 of the Convention. The Committee further suggests that consideration be given to undertaking or encouraging research on the development and use of indicators to monitor the progress of the implementation of all the principles and provisions of the Convention.

23. In connection with the ongoing efforts to raise awareness of human rights and children's rights among the population of Hong Kong, the Committee suggests that consideration be given to taking further measures to inform the general public about the Convention on the Rights of the Child and to incorporate education about human rights and children's rights in training programmes for professionals. The Committee encourages the incorporation of questions on the awareness and understanding of the public of the Convention and its principles and provisions in future civic awareness surveys.

24. The Committee would like to suggest that further consideration be given to evaluating the effectiveness of measures to raise awareness for the prevention and combating of discrimination and promoting tolerance, particularly with respect to discrimination on the grounds of gender, ethnic origin, discrimination against disabled children and children born out of wedlock.

25. With respect to the implementation of article 12 of the Convention, the Committee encourages the undertaking of a study, from the perspective of children as bearers of rights, on the subject of children's participation in the family, school and society with a view to the formulation of recommendations on this matter.

26. The Committee recommends that further measures need to be taken to address the issue of illegal immigrant children from China, especially with respect to the difficulties arising from families split between Hong Kong and China. It is the Committee's view that, in the light of the best interests of the child, action should be taken on an urgent basis to reduce the waiting period for family reunification, to raise the quota of permits and to consider other measures to deal with the problems that will arise in the future.

27. The Committee wishes to acknowledge once again the important efforts taken to deal with the question of child abuse. Notwithstanding this, the Committee is of the view that the prevention of this violation of children's rights requires further attitudinal changes in society, not only as regards the non-acceptance of corporal punishment and physical and psychological abuse but also greater respect for the inherent dignity of the child.

28. Despite the recent increase in the number of social workers employed for child abuse cases, it is the view of the Committee that the case-load of each professional may still be too high and the question of taking additional action to address such matters deserves further study. The Committee encourages the efforts made to accord high priority to and pursue more intensely the establishment of day care centres in the community.

including as a measure to prevent children being left unattended at home. In addition, the Committee encourages the initiative taken to ensure within future reviews of the Family Life Education Programme an assessment of its effectiveness in preventing child abuse.

29. With respect to improving the situation of disabled children, the Committee encourages the efforts being undertaken to integrate disabled children into regular schools, including through investmnet in structural changes to schools and support to the training of teachers to assist them in adjusting and adapting their teaching methods to the needs of disabled children.

30. The Committee recommends that a review be undertaken of the effectiveness of measures in place to support the policy of promoting and encouraging breast-feeding. It is recommended that the question of the free distribution of powdered milk for babies in hospitals, as well as the compatibility of conditions of employment with the obligation laid down in the Convention to encourage breast-feeding, should form an integral part of such a review.

31. The Committee suggests that a review be undertaken of the possible links between school pressures and adolescent health problems in view of the concerns raised on these issues during its discussion of the report. The Committee also suggests that the reasons for suicide among youth and the effectiveness of programmes for the prevention of suicide among children deserve further study.

32. The Committee recommends the incorporation of human rights education, including education about the Convention on the Rights of the Child, as a core curriculum subject in all schools. The Committee notes that this would require that sufficient time be allocated to this subject in the school timetable. The Committee also wishes to suggest that an evaluation of human rights awareness raising and education be undertaken in the future to determine its effectiveness in equipping children with tools for life and in encouraging their decision-making and ability to think analytically from the perspective of human rights. The Committee also wishes to recommend that greater priority be accorded to the participation of children in school life, in the spirit of article 12 of the Convention, including in discussions about disciplinary measures and curricula development. Ways and means of ensuring the fuller implementation of article 31 of the Convention also appear to deserve further study.

33. With regard to the situation of Vietnamese children in detention, the Committee recommends that an evaluation of present and previous policy on this matter be undertaken, to ensure that any errors made are not repeated in the future. The Committee recommends that for the remaining children in detention a solution to their situation must be found in the light of the principles and provisions of the Convention. It is the view of the Committee, therefore, that measures must be taken immediately to ensure a marked improvement in their conditions of detention and that other measures to protect these children in the future must be put in place.

34. The Committee recommends that a review of legislation in relation to the issue of the age of criminal responsibility be undertaken with a view to raising this age in the light of the principles and provisions of the Convention.

35. The Committee recommends wide public distribution and dissemination of the State party report, the summary records of the discussion in the Committee and the present concluding observations.

36. The Committee recommends that the Government prepare a progress report on the measures taken to give effect to the suggestions and recommendations contained in the present concluding observations by the end of May 1997.

UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/15/Add.64
30 October 1996

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Thirteenth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Mauritius

1. The Committee considered the initial report of Mauritius (CRC/C/3/Add.36) at its 332nd, 333rd, and 334th meetings, held on 3 and 4 October 1996 (see CRC/C/SR.332-334), and, at its 343rd meeting, held on 11 October 1996, adopted the following concluding observations.

A. Introduction

2. The Committee expresses its appreciation of the report submitted by the Government of Mauritius, as well as of the extensive additional information provided in its written responses to the list of issues (CRC/C.12/WP.6). The Committee is encouraged by the frank tone of the discussion, in which the high-level delegation of the State party recognized the need for improvement in certain areas concerning children.

B. Positive aspects

3. The Committee welcomes the oral and written commitment of the Government of Mauritius to withdrawing its reservation to article 22 of the Convention.

4. The Committee takes note of the establishment in 1990 by Act of Parliament, of the National Children's Council, set up under the aegis of the Ministry of Women's Rights, Child Development and Family Welfare, and welcomes the recent establishment of an interministerial committee on child prostitution.

5. The Committee notes with satisfaction the efforts made by the Government of Mauritius in the field of law reform and especially the adoption, in pursuance of the implementation of the Convention, of the Child Protection Act in November 1994.

6. The Committee welcomes the ratification by the State party of ILO Convention No. 138 on the minimum age for admission to employment (1973).

7. The Committee welcomes the willingness expressed by the delegation to establish an ombudsperson for the rights of the child or another equivalent independent mechanism.

8. The Committee also notes with appreciation that the Government of Mauritius has prepared and implemented the National Programme of Action for the Survival, Development and Protection of Children in response to the recommendations and goals enunciated in the Declaration and Plan of Action adopted by the World Summit for Children in September 1990.

C. Factors and difficulties impeding the implementation of the Convention

9. The Committee is aware of the geographical particularities of Mauritius. The Committee also notes that the population of the State party is mainly composed of immigrants from various continents, with different ethnic origins and cultural backgrounds.

D. Principal subjects of concern

10. The Committee is concerned that the Convention is not an integral part of the national legislation and that national laws and regulations are not fully consistent with the principles and provisions of the Convention.

11. The Committee is concerned at the insufficient attention paid, at both national and local levels, to the need for an efficient monitoring mechanism that could provide a systematic and comprehensive compilation of data and indicators on all areas covered by the Convention and in relation to all groups of children, especially those who are victims of child abuse, ill-treatment or child labour or the administration of juvenile justice, as well as the girl child, children of single-parent families and those born out of wedlock, abandoned, institutionalized and disabled children, and children who, in order to survive, are living and/or working in the streets.

12. With regard to the implementation of article 4 of the Convention, the Committee notes with concern the inadequacy of measures taken to ensure the implementation of children's economic, social and cultural rights to the maximum extent of available resources. The Committee is particularly concerned at the insufficient measures and programmes for the protection of the rights of the most vulnerable children, especially children who are victims of abuse, children of single parents, children born out of wedlock, abandoned children, disabled children, children living in poverty and children who, in order to survive, are living and/or working in the streets. The Committee is also concerned at the lack of disaggregated data in relation to budgetary allocations for children.

Convention. The Committee encourages the State party to pursue its efforts to strengthen the institutional framework designed to promote and protect human rights in general and the rights of the child in particular.

23. The Committee recommends that the State party strengthen coordination between the various governmental mechanisms involved in children's rights, at both the national and local levels, with a view to developing a comprehensive policy on children and ensuring effective evaluation of the implementation of the Convention in the country.

24. The Committee also recommends that the State party give priority attention to the development of a system of data collection and to the identification of appropriate disaggregated indicators with a view to addressing all areas of the Convention and all groups of children in society. Such mechanisms can play a vital role in systematically monitoring the status of children and evaluating progress achieved and the difficulties hampering the realization of children's rights for all groups. They can be used as a basis for designing programmes to improve the situation of children, particularly those belonging to the most disadvantaged groups, including disabled children, children born out of wedlock, children ill-treated and abused within the family, children who are victims of sexual exploitation, and children who are forced to live and/or work in the streets in order to survive. It is further suggested that the State party request international cooperation in this regard.

25. The Committee encourages the State party to consider the establishment of an independent mechanism, such as an Ombudsperson for the rights of the child.

26. The Committee encourages the Government of Mauritius to pay particular attention to the full implementation of article 4 of the Convention and to ensure adequate distribution of resources at both central and local levels. Budget allocations for the implementation of economic, social and cultural rights should be ensured to the maximum extent of available resources and in the light of the best interests of the child.

27. The Committee recommends that the State party launch a permanent information campaign, for both children and adults, on the Convention on the Rights of the Child. The Government should consider incorporating the Convention in school curricula and take appropriate measures to facilitate access by children to information produced for them. The Committee suggests that the State party develop a comprehensive training programme for professional groups such as teachers, social workers, doctors, law enforcement personnel and immigration officers. Police officers must be specially trained to deal with child abuse and neglect.

28. The Committee encourages the State party to undertake a comprehensive study on the impact of malnutrition on child development in connection with school drop-out and child labour, and to take all appropriate measures to address this problem. International cooperation could be requested to achieve

this task and consideration should be given to the strengthening of cooperation with the International Labour Organization and the United Nations Children's Fund (UNICEF). It is also recommended that the State party encourage and support the establishment of day-care centres at workplaces, to enable children of working mothers to benefit from a healthy development.

29. The Committee recommends that a global study on the quality of the education system be made. In the light of article 2 of the Convention, the Committee also recommends that the State party take all necessary measures to fight school drop-out and to prevent child labour. Measures should be taken to prevent a rise in discriminatory attitudes or prejudice towards girl children and children belonging to minority groups. It is also suggested that sexual education be included in school curricula. It recommends that comprehensive studies be initiated on these important issues to provide better understanding of these phenomena and facilitate the elaboration of policies and programmes to combat them effectively.

30. The Committee also recommends that, in order fully to protect the rights of the child in adoption procedures, the State party consider ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (1993).

31. In the light of articles 19, 34 and 35 of the Convention, the Committee encourages the State party to take all appropriate measures to prevent and combat ill-treatment of children, including child abuse within the family, corporal punishment, child labour and the sexual exploitation of children, including victims of sexual tourism. The Committee also recommends that the Penal Code be amended in the light of the Convention. Further measures should be taken with a view to ensuring the physical and psychological recovery and rehabilitation of the victims of abuse, neglect, ill-treatment, violence or exploitation, in accordance with article 39 of the Convention.

32. The Committee recommends that the State party envisage undertaking a comprehensive reform of the Juvenile Offender Act in the spirit of the Convention, in particular articles 37, 39 and 40, and of other United Nations standards in this field, such as the "Beijing Rules", the "Riyadh Guidelines" and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Particular attention should be paid to considering deprivation of liberty only as a measure of last resort and for the shortest possible period, to protecting the rights of children deprived of their liberty, to due process of law and to the full independence and impartiality of the judiciary. Training programmes on the relevant international standards should be organized for all professionals involved with the juvenile justice system. The Committee also recommends that the penal law be amended so that adults having sexual intercourse with boys under 16 be considered as a criminal act. The Committee further suggests that the State party consider seeking technical assistance for this purpose from the High Commissioner for Human Rights/Centre for Human Rights and the Crime Prevention and Criminal Justice Division of the United Nations.

33. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies presented by Mauritius be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.

UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/15/Add.65
30 October 1996

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Thirteenth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the
Rights of the Child: Slovenia

1. The Committee considered the initial report of Slovenia (CRC/C/8/Add.25) at its 337th to 338th meetings (see CRC/C/SR.337-338), held on 9 October 1996 and, at its 343rd meeting, held on 11 October 1996, adopted the following concluding observations.

A. Introduction

2. The Committee expresses its appreciation to the Government of Slovenia for engaging, through a multidisciplinary delegation, in an open, constructive and fruitful dialogue. It also welcomes the submission of its initial report as well as the very detailed additional information provided to the Committee in written form. The Committee is encouraged by the frank and cooperative tone of the discussion, in which the representatives of the State party indicated not only the policy and programme directions, but also the difficulties encountered in the implementation of the Convention.

B. Positive aspects

3. The Committee notes with appreciation the steps taken by the Government to promote democracy and human rights in society, including through constitutional provisions. In this regard, it welcomes the introduction in the 1991 Constitution of a specific chapter on human rights and basic

freedoms, within which the rights of the child are also defined. The Committee is also encouraged by the recent adoption, in the light of the Convention, of new legislation concerning education, health and social security. It also takes note of the recent publication of the White Paper on Education (1996).

4. The Committee welcomes the recent establishment of the Commission on Child Abuse. It is also encouraged by the establishment of the Human Rights Ombudsman whose task is to safeguard human rights, including children's rights.

5. The Committee welcomes the adoption in 1995 of the National Plan of Action for the Survival, Protection and Development of Children (NPA). It also notes that the Convention has been translated into the Slovenian language and that the State party is making efforts to disseminate materials to promote this treaty.

6. The Committee welcomes the willingness of the Government to collaborate with non-governmental organizations. It is encouraged by the openness of the State party's authorities to involving non-governmental organizations in the process of reporting to the Committee.

7. The Committee is encouraged by the initiatives taken by the State party to promote children's rights through the organization of events, the publication of materials and the production of television programmes. In this regard, the Committee welcomes, inter alia, the establishment of a national children's parliament, which has already had six sessions, and the existence of "Youth Councils and Child Mayors" meetings.

C. Factors and difficulties impeding the implementation of the Convention

8. The Committee recognizes the difficulties faced by the State party in the present period of political transition. It also notes that the State party's transition to a market-oriented economy has had a serious impact on the population in particular on all vulnerable groups, including children, in the form of increased unemployment and criminality.

9. The Committee also notes the problems experienced as a consequence of war in the region. Although Slovenia was only involved in direct combat for a short time, since 1991 the State party has hosted a large number of refugees, including children.

D. Principal subjects of concern

10. The Committee is of the view that the reservation made by the State party to article 9, paragraph 1, raises questions about its compatibility with the principles and provisions of the Convention, including the principle of the best interests of the child.

11. While welcoming the existence of government bodies and the creation of new ones, that are competent to deal with the welfare of children at the national and local levels, the Committee expresses its concern that effective coordination must be established among them in order to develop a comprehensive approach to the implementation of the Convention.

12. The Committee is concerned at the lack of an integrated and systematic monitoring mechanism for all areas covered by the Convention, and in relation to all groups of children, especially those affected by the consequences of the economic transition. The Committee also encourages the State Party to strengthen its existing data and statistical capacity to evaluate progress achieved and to assess the impact of policies adopted on children, in particular the most vulnerable groups of children.

13. With regard to article 2 of the Convention, the Committee notes with concern that the principle of non-discrimination is not fully implemented for disabled children.

14. The Committee is concerned that the transition to a market economy may threaten the full enjoyment by children of their rights as recognized by the Convention. It is also worried about the insufficient level of support given to single parent families.

15. The Committee is concerned that children dropping out of school during the compulsory stage of education have insufficient alternative educational programmes, such as vocational training.

16. The Committee is concerned that appropriate measures have not yet been taken to prevent and combat effectively ill-treatment of children within the family and that insufficient information exists on this matter.

17. The Committee is concerned that society is not sufficiently sensitive to the needs and situation of particularly vulnerable children, such as Roma children.

18. The Committee is concerned that in some specific cases the rights of children may not be fully taken into account in intercountry adoption procedures.

19. The situation in relation to the administration of juvenile justice and in particular its compatibility with articles 37, 39 and 40 of the Convention, as well as other relevant standards such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, is a matter of concern to the Committee. The Committee is particularly worried about the low age set for criminal responsibility, and the length of preliminary investigation and of pre-trial detention.

E. Suggestions and recommendations

20. The Committee takes note of the statement made by the delegation that the reservation on article 9, paragraph 1 made by Slovenia upon ratification

of the Convention may be reviewed, with a view to its eventual withdrawal. It wishes to encourage the State party to consider withdrawing this reservation to the Convention, and would like to be kept informed of developments on this matter.

21. The Committee recommends that the State party strengthen mechanisms to enhance the coordination of governmental policies, as well as those of central and local authorities, in the field of children's rights, with a view to eliminating possible disparities or discrimination in the implementation of the Convention and ensuring that the Convention is fully respected in all parts of Slovenia.

22. The Committee encourages the State party to pursue and further develop its policy aimed at disseminating information and at increasing awareness of the Convention. It also urges the authorities to integrate the Convention and children's rights into the training curricula of professional groups dealing with children, such as teachers, law enforcement and correctional officials, judges, social workers and health personnel, and into the school and university curricula.

23. The Committee recommends that the State party take all appropriate measures to reduce school drop-out by, inter alia, promoting vocational training and alternative educational programmes.

24. In the difficult period of transition to a market economy, the Committee encourages the State Party to take all appropriate measures to maintain and strengthen the full enjoyment of the rights of children, particularly with a view to ensuring the allocation of available resources to their maximum extent for the implementation of the economic, social and cultural rights in the light of the principles of non-discrimination and the best interests of the child.

25. In the light of article 19 of the Convention, the Committee further recommends that the Government take all appropriate measures, including legislative ones, to combat ill-treatment within the family and sexual abuse of children. It suggests that the authorities gather information and initiate a comprehensive study to improve understanding of the nature and scope of the problem and set up social programmes to prevent all types of child abuse.

26. In relation to intercountry adoption, the State party is encouraged to ratify the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

27. In the field of juvenile justice, the Committee recommends that the State party raise the minimum age of criminal responsibility and take all appropriate measures to reduce the length of preliminary investigation and of pre-trial detention.

28. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies presented by Slovenia be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.

- - -